

REMARKS

Claims 1-21 and 24-28 were presented for examination and were pending in this application. In the Office Action dated February 4, 2009, claims 1-21 and 24-28 were rejected. Applicant thanks the Examiner for examination of the claims pending in this application and addresses the Examiner's comments below. Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

35 U.S.C. § 103 Rejection

Claims 1, 3, 6, 8, 9, 11, 14, 16, 18, 21, and 24-28 stand rejected under 35 U.S.C. § 103 as being unpatentable over Pisello et al. (U.S. Patent No. 5,495,607) in view of Stupek et al. (U.S. Patent No. 5,586,304), and in further view of Miyata et al. (U.S. 2004/0117401). Applicant now traverses these rejections.

Claim 1 as amended recites *inter alia*:

the file attribute manager gleaned file attributes of a plurality of types from each of the plurality of scanned files in the plurality of formats, wherein the plurality of gleaned attribute types differ for protocols used to receive the plurality of scanned files and each of the plurality of scanned files are received according to one of the protocols;

None of Pisello, Stupek, and Miyata disclose “gleaning file attributes of a plurality of types ... wherein **the plurality of gleaned attribute types differ for protocols used to receive the plurality of scanned files.**” (Emphasis added).

Pisello does not disclose or suggest this aspect of the claimed invention. Pisello merely discloses storing Netware attributes for a file, such as System, ReadOnly, ExecuteOnly etc. Pisello, col. 15, ll. 46-51. However the same Netware attributes are

stored regardless of protocol used to deliver a file, and determination of which Netware attributes to store is not dependent on different protocols used to deliver a file.

The Examiner points to “file_source” and “sender name” in Table 2 and rejects previous claim 2 that had a similar limitation as “gleaning file attributes of a plurality of types … wherein the plurality of gleaned attribute types differ for protocols used to receive the plurality of scanned files.” However, the file source and sender name in Table 2 are stored for every file regardless of the protocol used to receive the file. Thus, Pisello does not disclose “gleaning file attributes of a plurality of types … wherein the plurality of gleaned attribute types differ for protocols used to receive the plurality of scanned files.”

Stupek does not remedy the above-stated deficiencies of Pisello, nor does the Examiner allege that it does. Stupek discloses a “method for use in upgrading a resource of a computer from an existing version of the resource to a later version of the resource.” Stupek, Abstract. However, Stupek does not disclose “gleaning file attributes of a plurality of types … wherein the plurality of gleaned attribute types differ for protocols used to receive the plurality of scanned files.”

Miyata does not remedy the above-stated deficiencies of Pisello and Stupek, nor does the Examiner allege that it does. Miyata discloses an information processing system in which a virus scan for a file is omitted if the file was already scanned after the last update to the virus database. Miyata, Abstract. However, Miyata does not disclose “gleaning file attributes of a plurality of types … wherein the plurality of gleaned attribute types differ for protocols used to receive the plurality of scanned files.”

Thus, the deficient disclosures of these references, considered either alone or in the combination suggested by the Examiner, fail to establish even a *prima facie* basis from

which a proper determination of obviousness under 35 U.S.C. § 103(a) can be made. As discussed above, the references do not teach or suggest all of the claimed limitations.

Claim 1 is therefore patentable over Pisello, Stupek, and Miyata, alone or in the suggested combination.

Independent claims 9 and 16 also are patentable over Pisello, Stupek, and Miyata, alone or in the suggested combination, for the above-stated reasons. Dependent claims 3-8, 11-15, and 18-21 variously depend from claim 1, 9 and 16. These dependent claims include all the above mentioned limitations of their independent claims. In addition, these claims recite other patentably distinguishable features not included in their respective base claims. Thus, these claims are patentable over Pisello, Stupek, and Miyata, alone or in the suggested combination, for at least these reasons.

Claims 4, 12, and 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Pisello in view of Stupek, in further view of Miyata, and in further view of Fischer (U.S. Patent No. 5,694,569). Claims 5, 13, and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Pisello in view of Stupek, in further view of Miyata, and in further view of Baker (U.S. Publication No. 2003/0233352). Claims 7 and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Pisello in view of Stupek, in further view of Miyata, and in further view of Chino (U.S. Publication No. 2002/0046207).

Claims 4, 5, 7, 12, 13, 15, 19, and 20 were shown above to be patentably distinguishable over Pisello, Stupek, and Miyata. Fischer, Baker, and/or Chino, alone or in the suggested combinations, also do not remedy the above-discussed limitations, nor does the Examiner alleged that they do. Rather, Fischer, Baker, and/or Chino are cited for features in dependent claims 4, 5, 7, 12, 13, 15, 19, and 20. Thus, dependent claims 4, 5, 7,

12, 13, 15, 19, and 20 also are patentable over Pisello, Stupek, Miyata, Fischer, Baker, and Chino, alone or in the suggested combinations.

Conclusion

In sum, Applicant respectfully submits that claims 1, 3-9, 11-16, 18-21 and 24-28, as presented herein, are patentably distinguishable over the cited references. Therefore, Applicant requests reconsideration of the basis for the rejections to these claims and requests allowance of them. In addition, Applicant respectfully invites the Examiner to contact Applicant's representative at the number provided below if the Examiner believes it will help expedite furtherance of this application.

Respectfully submitted,
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